

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

IN RE:

**SCOTT VINCENT VAN DYKE

DEBTOR**

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**CASE NO. 21-60052 (CML)
(Chapter 7)**

**ORDER
[Ref. Doc. No. ____]**

The Court has considered the Debtor's Motion for Entry of Discharge Order and the objection to the motion filed by Builders West, Inc. The Court finds the following:

1. The deadline for objecting to the Debtor's discharge was July 1, 2022, and no party filed an objection to the Debtor's discharge under 11 U.S.C. § 727.
2. Builders West, Inc. has withdrawn its motion to dismiss the Debtor's chapter 7 case (Dkt. No. 279).
3. Builders West, Inc. has withdrawn its objection to the Debtor's Motion for Entry of Discharge Order (Dkt. No. 280).

Accordingly, pursuant to 11 U.S.C. § 727(a) and Fed. R. Bankr. P. 4004(c), entry of an order of discharge is appropriate and it is:

ORDERED, that the Debtor's Motion for Entry of Discharge Order is in all things granted. This Court will enter an Order of Discharge in this case. Further it is:

ORDERED, that the Order of Discharge shall be subject to any final judgment in favor of Eva S. Engelhart, Chapter 7 Trustee of the Estate of Anglo-Dutch Petroleum International, Inc. (the "ADPI Trustee"), if any, in *Engelhart v. Van Dyke*, Adv. Pro. No. 22-6002 (the "Non-Dischargeability Adversary"), and without prejudice to any rights of the ADPI Trustee to challenge the Debtor's discharge under 11 U.S.C. 523, including the continuation of Non-Dischargeability

Adversary, in the event the ADPI Trustee is not paid in full under the Settlement Agreement approved by the Court. Further it is:

ORDERED, that the Order of Discharge shall be subject to any final judgment in favor of Michael L. Noel and Sue Noel, if any, in *Noel, et al v. Van Dyke*, Adv. Pro. No. 21-6008. Further it is:

ORDERED, that the Order of Discharge shall not affect any rights of the parties to the Order Granting Moton to Approve Compromise and Settlement Pursuant to Fed. R. Bankr. P. 9019(a) (Dkt. No. 265). Further it is:

ORDERED, that the Order of Discharge shall not affect any rights of the parties to the Agreed Order Granting Emergency Motion of Chapter 7 Trustee and Debtor Pursuant to Section 105 of the Bankruptcy Code and Bankruptcy Rule 9019 for Entry of an Order Approving Settlement Agreement (Dkt. No. 267).

SIGNED this _____ day of _____, 2022.

JUDGE CHRISTOPHER M. LOPEZ
U.S. BANKRUPTCY JUDGE